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Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action

Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 34/32 in which the Council requested the High Commissioner to prepare and submit to the Council at its thirty-seventh session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 of resolution 34/32 and views on potential follow-up measures for further improvement of the implementation of that plan.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 34/32 in which the Council requested the United Nations High Commissioner for Human Rights to prepare and submit to the Council at its thirty-seventh session a comprehensive follow-up report with elaborated conclusions based upon information provided by States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 of the resolution and views on potential follow-up measures for further improvement of the implementation of that plan.

2. The report is based on replies[1] received from 20[2] States to a note verbale sent by the Office of the High Commissioner (OHCHR). These contributions are summarized in section II, bearing in mind that some of the information received from some States on their implementation of the action plan has been reflected in previous reports on this topic, most recently the report of the Secretary-General to the General Assembly (A/72/381). The present report was drafted largely around the specified points of the action plan contained in paragraphs 7 and 8 of Council resolution 34/32. Observations and views on potential follow-up measures for further improvement of the implementation of the action plan are given in section IV.

II. Implementation of the action plan: information received from States

A. Constitutional and legislative frameworks

3. The Office received comprehensive contributions from Argentina, Algeria, Australia, Croatia, Cuba, Italy, Denmark, Mauritius, Mongolia, Oman, Pakistan, Portugal, the Russian Federation, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the Bolivarian Republic of Venezuela and the State of Palestine in relation to constitutional and legislative frameworks present in those countries pertaining to combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.

B. Extremism and radicalization

4. Under the action plan, some States are addressing extremism and radicalization. The High Commissioner encourages States to increase awareness and understanding of these phenomena, ensuring that information on these matters is easily available, widely disseminated and used to develop and improve policies aimed at combating them.

5. Australia reported funding a number of projects to counter violent extremism by promoting interfaith and intercultural dialogue. Initiatives also include advocacy and media workshops, sporting and cultural events, communication and conflict resolution and multifaith volunteering activities, which promote social cohesion and encourage people of diverse faiths to work collaboratively. Australia has funded a range of community-led mentor training programmes and workshops which support youth and individual leaders to counter violent extremism.

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[1] The original texts are available for consultation on the website of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

[2] Argentina, Algeria, Australia, Croatia, Cuba, Denmark, Italy, Mauritius, Mongolia, Oman, Pakistan, Portugal, Qatar, the Russian Federation, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela (Bolivarian Republic of) and the State of Palestine.

6. The Russian Federation reported that authorities pay significant attention to the prevention of religious extremism and inter-ethnic conflicts, which can provoke escalation of tensions and mass riots. According to the authorities, during the first half of 2017 the number of extremist crimes decreased by 36 per cent in comparison with the previous year.

7. The High Commissioner recalls that measures taken to combat religious intolerance and violent extremism should reflect the principles of inclusiveness and participation, as well as be fully consistent with States' obligations under international human rights law. They should take gender into account, and be adapted to the domestic context. Key concepts related to violent extremism should be clearly defined, particularly when they can potentially trigger measures that may impinge on human rights, for example when the terms "extremism" or "radicalization" are used to cover non-violent activity.[3]

C. Encouraging the creation of collaborative networks to build mutual understanding, promoting dialogue and inspiring constructive action towards shared policy goals and the pursuit of tangible outcomes, such as servicing projects in the fields of education, health, conflict prevention, employment, integration and media education[4]

8. A Multicultural Community Liaison Officer Network operates across Australia, developing productive and collaborative engagement with diverse communities, including religious groups and key stakeholders, to strengthen linkages to the Government and support a productive and diverse society. The Network supports parliamentarians to engage effectively with people from different cultural, linguistic and religious backgrounds. Multicultural Community Liaison Officers may identify and report on potential areas of tension between members of different religious communities. An Ethnic Liaison Officer Network facilitates interaction with ethnic communities and the Australian Department of Immigration and Border Protection.

9. Cuba reported that at meetings between government leaders and representatives of various religious fraternal institutions and associations (lodges), participants are encouraged to exchange ideas on topics of general interest as well as to address current challenges and expectations. This work is aimed at promoting relations between believers and non-believers in a framework of unity, solidarity and mutual respect.

10. Italy reported that a committee on hate, intolerance, xenophobia and racism was set up in May 2016 and renamed in July 2016 the "Jo Cox Committee", in remembrance of the United Kingdom Member of Parliament who was murdered on 16 June 2016. Chaired by the President, it is comprised of one Member of Parliament for each political group in the Parliament and representatives of the Council of Europe, the United Nations, the Italian National Institute of Statistics (Istat), research centres and civic associations that investigate and campaign against hate speech, and experts. The Committee approved its final report on 6 July 2017, making 56 recommendations to prevent and combat hatred, addressed to all the relevant entities.

11. In Mauritius, the Comité des sages regularly brings together leaders of the main religions present in Mauritius to discuss prevailing issues of national importance with a view to maintaining harmony among its multireligious population.

12. In Portugal, the mission of the High Commission for Migration[5] is to collaborate on defining, implementing and assessing the public cross-sectoral and sectoral policies concerning migration, particularly managing and valuing the diversity of the country's cultures and religions. The High Commission established a working group for interreligious

[3] Additional guidance is contained in the Secretary-General's Plan of Action to Prevent Violent Extremism (A/70/674) and the High Commissioner's report on best practices and lessons learned on how protecting and promoting human rights contribute to preventing and countering violent extremism (A/HRC/33/29).

[4] Paragraph 7 (a) of resolution 34/32.

[5] See www.acm.gov.pt/acm.

dialogue composed of representatives of 12 different religions to regularly discuss issues of common interest, to organize initiatives that contribute to the promotion of the interreligious dialogue and to give visibility to the religious dimension of the body of citizens, tolerance and mutual understanding.

13. The United Kingdom funds the Church Urban Fund's Near Neighbours programme, which aims to bring together people of different faiths to strengthen their communities. Near Neighbours has delivered over one thousand local projects reaching over 940,000 people since 2011.

D. Creating an appropriate mechanism within Governments to, inter alia, identify and address potential areas of tension between members of different religious communities, and assisting with conflict prevention and mediation[6]

14. In Argentina, the National Institute against Discrimination, Xenophobia and Racism has a mandate which includes: strengthening and promoting the principle of pluralism and religious diversity; promoting the eradication of discriminatory practices, stereotyping and prejudices, particularly those directed against followers of African religions in Argentina; and considering complaints by individuals and members of civil society on diverse grounds of discrimination, including anti-Semitism and Islamophobia. The Institute's Registry of Civil Society Organizations surveys, registers and organizes information about organizations working against discrimination, and through its Victim Assistance Directorate provides rapid conflict resolution and seeks to develop mechanisms of reconciliation.

15. In Australia, Ethnic Liaison Officers meet with ethnic community leaders to consider specific issues identified by each ethnic group and respond as needed. Government migration customer services address areas of potential tension via telephone, email and meetings.

16. Italy reported that in July 2017, its Ministry of Foreign Affairs and International Cooperation hosted the international conference entitled "Protecting religious communities: investing in youth as the major players in a new season of rapprochement, dialogue and peaceful coexistence among peoples", during which it was announced that an observatory on religious minorities in the world and on the respect for religious freedom had been established as an advisory body to the Minister. It is tasked with conducting surveys and analyses and monitoring the condition of religious minorities in the world with a view to increasing the scope of their protection. It will also propose awareness-raising activities at the local level.

17. Portugal's first Law on Religious Liberty (Act 16/2001) provides that religious freedom is based on the principles of freedom, equality, separation, interfaith cooperation and tolerance. The Commission on Religious Freedom, composed of persons appointed by the religious confessions, was set up as an advisory board on the exercise of the right of religious freedom.

18. In Turkey, the Law on the Human Rights and Equality Institution of Turkey, adopted on 6 April 2016, foresees the establishment of a Turkish human rights and equality institution affiliated with the Office of the Prime Minister. It will have a board of 11 members, 8 elected by the Council of Ministers and 3 by the President of Turkey. Its three main duties are promotion of human rights, prevention of discrimination and fighting torture and ill-treatment. It is authorized to receive and address allegations of violations of human rights and the prohibition of discrimination and to examine and evaluate any such claims ex officio. In line with the decisions of the Reform Action Group, direct dialogue with non-Muslim citizens has been continuously strengthened and periodic visits take place between government officials and representatives of different faith groups.

[6] Paragraph 7 (b) of resolution 34/32.

19. Ukraine reported that the religious organizations of Ukraine are full-fledged civil society institutions and take part in establishing and implementing State policy in all fields, especially in the spheres of religion, culture, education, science, health care, national defence and security, and external relations. Representatives of religious organizations take an active part in the work of the governmental consultative body, the Commission on the Rights of Religious Organizations, which comes under the Cabinet of Ministers, and in the work of the public councils under the Ministry of Culture, the Ministry of Education and Science, the Ministry of Health, the Ministry of Defence and the Ministry of Foreign Affairs. In addition, an expert council on matters of freedom of conscience and the activity of religious organizations has been operational since 2015 under the Ministry of Culture. The relationship between the State and religious denominations fosters the resolution of current issues relating to the activities of religious organizations within the council's competence.

20. In the United Kingdom, there is a Cross Government Working Group on Anti-Muslim Hatred. The non-governmental organization Tell MAMA is funded by the Government to record anti-Muslim incidents and support victims. It works with the Government to raise the issues of anti-Muslim hatred at a policy level. The Government also works closely with the Jewish community to tackle anti-Semitism and has taken action, including working with the Community Security Trust, to develop awareness-raising materials and providing funding for protective security measures. The Anne Frank Trust raises awareness about prejudice and intolerance, including anti-Semitism, with young people. The Cross Government Working Group on Anti-Semitism has provided funds to ensure the security of Jewish faith schools, synagogues and communal buildings following concerns raised by the Jewish community.

21. Pakistan reported that the Minister for Religious Affairs and Interfaith Harmony held meetings with scholars of all Muslim sects in Karachi, Islamabad, Lahore, Peshawar and Quetta to find common grounds for a shared code of conduct. The National Muslim Scholars Council has been set up to maintain sectarian harmony in the country. The terms of reference for the National Commission on Minorities include, inter alia: (a) the development of a national policy on interfaith harmony, to explore avenues for peace and security; (b) consideration of laws, executive instructions, orders and practices of government departments and agencies which may be discriminatory towards minorities; (c) making recommendations to Government to ensure fuller and effective participation by the members of minority communities in all aspects of national life; and (d) ensuring that churches, shrines, temples, gurdwaras and other places of worship of minority communities are preserved and well kept and remain fully functional.

E. Training of government officials in effective outreach strategies[7]

22. In Australia, the Multicultural Access and Equity Policy promotes "cultural competency", training and development measures among government departments and agencies, equipping their staff with the requisite cultural skills. The Australian Federal Police assists other government agencies, including the Attorney General's Department, the Department of Social Services and the Department of Immigration and Border Protection, as well as state and Territory governments, in building relationships with the community.

23. Denmark reported that basic education at the Danish Police Academy includes an obligatory course on hate crimes. Part of the purpose of the training is to enable future police officers to understand, spot and handle hate crimes in an appropriate manner. Some police regions have initiated local outreach initiatives with local advocacy groups representing some of the groups most commonly victimized by hate crimes.

24. The United States of America reported that the Civil Rights Division of the Department of Justice continues to hold a quarterly meeting that brings together top officials from federal agencies and leaders of the Muslim, Arab, Sikh and South Asian

[7] Paragraph 7 (c) of resolution 34/32.

communities to address civil rights issues. The Department's Community Relations Service has held approximately one thousand town and community meetings since 11 September 2001, addressing backlash-related issues. It has trained hundreds of law enforcement departments, and it has deployed conflict resolution specialists in communities around the country to alleviate tensions from backlash incidents. During 2016 and 2017, the Office for Civil Rights and Civil Liberties of the Department of Homeland Security led or played a significant role in regular round-table meetings among community leaders and federal, state, and local government officials across the country. During this period, it coordinated and participated in over 200 events. In 2017, the Office continued its strategic engagement with the Somali and Syrian communities and implemented a new initiative engaging with diverse communities at the southern border.

F. Encouraging the efforts of leaders to discuss within their communities the causes of discrimination, and evolving strategies to counter those causes[8]

25. Australia reported that it has funded community-led mentor training programmes and workshops which support youth and individual leaders to counter violent extremism. These measures encourage leaders to explore issues which contribute to negative community sentiment and develop specific solutions to local issues. Ethnic Liaison Officers also meet with a range of community groups to discuss the intake of immigrants on humanitarian grounds and Australia's Special Humanitarian Programme. Since 2007, the Australian Federal Police has worked with the community through its Community Liaison Team to build productive relationships with community leaders and the broader community across a variety of religions in Sydney, Brisbane and Melbourne.

G. Speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence[9]

26. Australia reported that the Government partners with community leaders and influencers to produce and distribute content that challenges and promotes alternatives to violent extremism. Australia funds programmes to engage youth and empower local leaders with skills and training to support people to speak out, locally and online, to foster critical debate around issues of terrorism and violent extremism. Ethnic Liaison Officers encourage leaders to speak out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility and violence.

27. In Oman, employees and people working in the field of religion are instructed to promote everything that leads to achieving social peace in Omani society, to reject religious intolerance and hatred and to renounce violence based on religion or belief. Similarly, acts of terrorism in all its forms, whether against the followers of the same religion or against the followers of a different religion or belief, are to be disavowed and rejected. The focus should be on the values and concepts shared by all religions.

28. The action plan underlines the importance of everyone, including leaders, in speaking out against intolerance. Religious leaders are potentially very important human rights actors, and OHCHR has been undertaking an important activity which engages religious leadership. The Beirut Declaration and its 18 commitments on "Faith for Rights",[10] launched in March 2017, are aimed at faith-based actors, who are defined in a broad manner to include theistic, non-theistic, atheistic or other believers. The Declaration provides 18 corresponding operative commitments through which faith-based actors can articulate how "Faith" can more effectively stand up for "Rights" in order to enhance each other. In December 2017, OHCHR and the Government of Morocco co-organized the

[8] Paragraph 7 (d) of resolution 34/32.

[9] Paragraph 7 (e) of resolution 34/32.

[10] See www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx.

"Rabat+5 symposium",[11] offering a platform to exchange practices and discuss concrete "Faith for Rights" projects at the grass-roots level in various parts of the world.

H. Adopting measures to criminalize incitement to imminent violence based on religion or belief[12]

29. Argentina, Algeria, Australia, Croatia, Denmark, Italy, Mongolia, Pakistan, Portugal, Turkey, the United Kingdom and the State of Palestine reported on comprehensive criminal frameworks prohibiting incitement to violence based on religion or belief. These frameworks often address issues of incitement to racial, national or religious hatred through speech or through written media and publications, including dissemination through the Internet. The laws generally also cover the establishment of or participation in organizations which urge violence or incite religious hatred and public meetings in this context, and the denial of war crimes, genocide and crimes against humanity as well as linkages between incitement and acts of terrorism.

30. It should be recalled that where legal sanctions may be necessary to protect human beings against incitement to hatred, discrimination or acts of violence, three types of expression should be clearly distinguished: expression that constitutes a criminal offence; expression that is not criminally punishable but may justify civil or administrative sanctions; and expression that does not invoke any legal action but still raises concern in terms of tolerance and respect for the rights of others.

31. To be consistent with international standards on freedom of religion or belief and freedom of opinion and expression, legislation prohibiting incitement to racial, national and religious hatred should be specific and not overly broad in its scope and application. States should also ensure that there is no impunity in the judicial system, and that such crimes are prosecuted and adjudicated.

32. The conclusions and recommendations of the Rabat Plan of Action are based on legislative patterns, judicial practices and policies. It provides some guidance to stakeholders, including national legislatures and the judiciary, in implementing the international standards relating to the prohibition of incitement to racial, national and religious hatred. It outlines a six-part threshold test for expressions to be considered as criminal offences: context; speaker; intent; content and form; extent of the speech act; and likelihood, including imminence (see A/HRC/22/17/Add.4, appendix, para. 29).

Hate crimes

33. In Croatia, the Criminal Code defines hate crime as a criminal offence committed on account of a person's race, colour, religion, national or ethnic origin, disability, gender, sexual orientation or gender identity. For some criminal offences, more severe sanctions are imposed if the crimes are qualified as hate crimes; in other cases, hatred is considered an aggravating circumstance. Less severe forms of unlawful and offensive behaviour in this context are punishable in accordance with the Act on Public Order and Peace Offences.

34. In Denmark, the National Police have initiated national monitoring of hate crimes to provide knowledge about the actual extent of hate crimes and developments in the area, and they issue an annual publication on reported hate crimes. The most recent training day for law enforcement officers on dealing with hate crimes was held in October 2017. Such training will be offered in the future as continuing education for law enforcement officers from police districts in Denmark. Guidelines issued by the Director of Public Prosecutions on the processing of cases of hate crimes applicable to both prosecutors and police officers have recently been revised.

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[11] To commemorate the adoption in 2013 of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4, appendix).

[12] Paragraph 7 (f) of resolution 34/32.

35. "Action Against Hate" is the title of the plan in the United Kingdom for tackling hate crime, focusing on five key areas, including preventing hate crime by challenging the beliefs and attitudes that can underlie prejudice and hatred. The plan will be reviewed in 2018. The Government supports True Vision, the police online hate crime reporting site, which provides support to groups challenging anti-Christian hatred as well as anti-Semitism against the Haredi community. It has also supported work challenging hatred against Hindus and Sikhs as part of its overall effort to challenge all forms of religiously motivated hate crime and to encourage victims to report incidents of hate crime.

36. In the United States, the Attorney-General's Task Force on Crime Reduction and Public Safety has established a Hate Crime Subcommittee to focus on improving the identification, prosecution and prevention of hate crimes, as well as data collection about hate crimes. The Task Force held a high-level meeting on hate crimes on 29 June 2017 to explore how best to understand the problem and develop policies and practices to reduce the incidence of hate crimes in the United States.

37. As reflected above, there is increasing activity in these States to address hate crimes at the domestic level through improved monitoring, recording and reporting of hate crimes, consolidated information-gathering and prevention, community outreach, strengthened police and security measures and legal prosecution.

38. In view of the action plan, OHCHR works with States and other stakeholders on this particular topic, providing substantive support to implement international standards and practical measures at the national level. For example, OHCHR recently supported the organization of relevant trainings and meetings in Lebanon, Morocco, Oman, Senegal and Tunisia, and with media professionals from the Russian Federation and Ukraine, and from West Africa.

I. Understanding the need to combat denigration and negative religious stereotyping of persons, and incitement to religious hatred, by strategizing and harmonizing actions at the local, national, regional and international levels through, inter alia, education and awareness-building[13]

39. The Virtual Campus online platform of the National Institute against Discrimination, Xenophobia and Racism is helping to increase visibility and raise awareness about religions and faiths in Argentina. It includes modules on religious diversity, Islam, Afrodescendent religions and Judaism, among others. The Afrodescendent programme offers information materials and programmes such as "Argentina is also Afro", a thematic guide on the Afrodescendent community, brochures about the National Day of Afro-Argentinians and newsletters on the International Day for the Elimination of Racial Discrimination and Afrodescendant Woman's Day, which have been incorporated into this online platform.

40. In Croatia, the prevention programme "Together against hate speech" is aimed at promoting a culture of tolerance and non-violence and preventing all forms of hate speech as a socially unacceptable form of behaviour. In 2017 the project was implemented through messaging directed against hate speech; a public event organized for students, young people and the general public; and a website "Hate speech – NO", created to promote the prevention of hate speech on the Internet and social media.

41. Mauritius reported that its education sector has integrated intercultural education and multiculturalism in the educational curriculum to equip very young Mauritians with the notions of respect, tolerance, justice and equity. The Government also works to promote all ancestral languages, and essays and festivals are featured in the curriculum and textbooks to reflect the traditions, customs and religions present in Mauritius.

42. The High Commission for Migration promoted an interreligious youth meeting — MEET IR 2016 — to discuss religious diversity in Portugal. The Commission and the

[13] Paragraph 7 (g) of resolution 34/32.

municipality of Fundão gathered together 17 young people (11 boys and 6 girls) representing seven different religious communities with the objective of recognizing and valuing difference and pluralism and to jointly reflect about their individual contributions towards a better society. The young people drew up a charter on interreligious dialogue targeted at their peers. A second gathering, MEET IR 2017, took place in Palmela in July 2017.[14] In 2017, the Commission, in partnership with the Working Group for Interreligious Dialogue, organized the initiative #FaithinPeace,[15] using social media to publish testimonies of young people from different religious communities on the contributions of religion to peace.

43. The Russian Federation reported that authorities make efforts to combat stigmatization leading to racial discrimination and promote mutual understanding, tolerance and friendship between ethnic and religious groups. Education plays an important role in this process. In order to preserve religious and cultural traditions, to strengthen national unity and to promote a spirit of patriotism among the youth, a comprehensive course on history, world religions, and secular moral and spiritual education was included in the school curriculum. Representatives of religious organizations are invited to participate in training teachers with regard to their pedagogical approach in this sphere.

44. In these reporting States, religious intolerance, stigmatization, negative stereotyping and discrimination are combated using educational measures, youth forums, strategic plans and public information and media campaigns, including online platforms. Educational programmes and curricula which inculcate freedom of religion and belief and educational systems which provide education for religious minorities could assist in implementing the action plan. States are encouraged to consider human rights-based educational reform which provides for inclusion and recognition of all constituent parts of a society.

J. Recognizing that the open, constructive and respectful debate of ideas and interfaith and intercultural dialogue at the local, national and international levels can play a positive role in combating religious hatred, incitement and violence[16]

45. Interfaith and intercultural dialogue and exchange — local, national and international — are taking place in several countries. Ongoing and established dialogues among various faith communities serve as forums for communication, discussion, networking, exchange and learning and provide for the open debate of ideas.

46. The Australian Multicultural Council provides advice to the Government on issues around the country's cultural, linguistic and religious diversity, including addressing barriers to participation and promoting greater intercultural and interfaith understanding and dialogue. The Department of Immigration and Border Protection facilitates round-table meetings and town hall-style meetings to promote open, constructive and respectful debate of ideas, as well as interfaith and intercultural dialogue at the local and national levels.

47. In Italy, the soon-to-be-established European Academy of Religion, promoted by the University of Bologna and the John XXIII Foundation for Religious Studies, under the patronage of the Ministry of Foreign Affairs and International Cooperation and with the support of the European Parliament, is aimed at fostering interdisciplinary studies and dialogue between researchers of all faiths and cultures to orient European policies in European Union non-member countries.

48. Qatar reported that the Doha International Center for Interfaith Dialogue has annually hosted the Doha Conference for Interfaith Dialogue for the last 12 years under the patronage of the Emir of Qatar and supported by the Ministry for Foreign Affairs. The most recent conference took place on 16 and17 February 2016, on the topic "Spiritual and intellectual security in the light of religious doctrine". In 2017, the Center continued to

[14] See www.acm.gov.pt/acm.

[15] Ibid.

[16] Paragraph 7 (h) of resolution 34/32.

support and organize various activities, including youth forums, football tournaments, radio programmes, book fairs, cultural and literary round tables, training forums and cultural dialogues in Doha and around the world.

49. The Russian Federation also supported youth initiatives which contribute to the culture of tolerance, harmonization of inter-ethnic relations, development of inter-ethnic friendship and social adaptation. A number of events and meetings took place in 2017 with a view to disseminating, developing and strengthening inter-ethnic and interreligious dialogue and tolerance.

50. Ukraine reported that an International Interfaith Conference entitled "The role of religious values in strengthening social stability, dissemination of the culture of peaceful coexistence and overcoming hatred" was held in October 2017. A set of important and relevant questions, such as enhancement of State policy in the sphere of religion and the promotion of interfaith and intercultural dialogue and mutual understanding in the society, were discussed.

51. The Bolivarian Republic of Venezuela reported that senior leadership is involved in joint efforts through different forums, including the Congress of the Fatherland, presidential councils and the National Assembly, to dialogue with different religious sectors in the country, in order to emphasize the fight against religious intolerance, incitement to hatred and hostility.

K. Taking effective measures to ensure that public functionaries, in the conduct of their public duties, do not discriminate against an individual on the basis of religion or belief[17]

52. Australia widely promotes, disseminates and educates public functionaries about its anti-discrimination laws. All government employees are subject to a code of conduct set out at sections 10 and 13 of the Public Service Act 1999. All government departments advertise their anti-discrimination laws on their websites, enabling complaints of discrimination to be brought. In the immigration context, the Department of Immigration and Border Protection also has a compliments, complaints and suggestion page on the website which promotes the reporting of any complaints.

53. The State of Palestine reported that the relations between public servants and citizens is regulated in order to prevent issues such as discrimination based upon religion, including through article 10 of the intelligence services code of conduct, article 18 of High Judiciary Council resolution No. 3 of 2006 and the 2011 code on the conduct of employees in the judicial sector regulating judges and these public employees. Article 8 of Ministerial Cabinet resolution No. 8 of 2016 provides for the establishment of complaint units in government departments and regional councils to follow up on complaints lodged by citizens and civil society organizations.

54. In the United Kingdom, the Human Rights Act 1998 places a duty on all public authorities to uphold and promote human rights in all actions, meaning that their policies, programmes and services should ensure that individuals are autonomous, safe, and can participate in the decisions that affect their lives.

L. Fostering religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society[18]

55. In Algeria, law No. 02-06 regulates the religious practices of non-Muslims, allowing for the freedom to embrace the religion they wish and practise the faith they desire. It also establishes the conditions and procedural, organizational and administrative measures that

[17] Paragraph 8 (a) of resolution 34/32.

[18] Paragraph 8 (b) of resolution 34/32.

must be applied in the practice of non-Muslim religious rituals and rites in Algeria. The National Consultative Commission for the Promotion and Protection of Citizens' Rights is tasked with recording any violations and breaches of human rights and freedoms, including the freedom of religion and belief, and informing the relevant authorities.

56. In Australia, federal government departments provide facilities such as prayer rooms to foster freedom of religion for staff. The state and Territory governments maintain a variety of community centres to enable cultural gatherings and foster inclusion and tolerance.

57. In Croatia, article 130 of the Criminal Code prohibits violations of the freedom of a religious community operating in accordance with the law and denials or limitations of its rights to publicly hold religious services and to found and operate schools, institutions of learning, institutes and social or charitable institutions; it also protects the right to equality with other religious communities. Less severe forms of unlawful and offensive behaviour in this context are punishable according to article 5 of the Act on Offences against the Public Order and Peace.

58. Cuba reported that religious institutions freely appoint and establish their consecrated personnel, organize religious activities, local and national and international, and regularly receive their international representatives, as well as religious literature. There are 600 institutions and religious organizations of different religions in Cuba, representing Christianity (Catholic, Evangelical, Protestant and Orthodox churches), Judaism and Islam and the Spiritualist, Buddhist, Yoga and Baha'i faiths, as well Cuban religions of African origin, among others. All of them have temples and houses to carry out their activities, without any impediment, and the Government has facilitated the repair, reconstruction and construction of new temples and social headquarters.

59. The Constitution provides for the establishment of the Evangelical Lutheran Church in Denmark, and as such it is awarded special status and is supported by the State. The Government is nevertheless aware of the importance of protecting the rights of religious communities other than the Established Church. A committee on religious communities has produced a report on the possibility of introducing a comprehensive regulation of the conditions for the religious communities other than the Established Church, including the criteria and procedure for granting acknowledgement and the legal effects of approval to operate. The report has resulted in a bill which has been through the first reading in parliament. If the bill is passed and becomes law, it will be the first of its kind in Denmark to regulate religious communities other than the Established Church.

60. In Italy, the Constitutional Court, in its judgment No. 67/2017 on article 2 of Veneto regional law No. 12/2016 (amending regional law No. 11/2004 on land and landscape management rules and subsequent modifications), considered unconstitutional the part of article 2 that introduced the obligation to use the Italian language in agreements relating to common equipment for religious services. The Court highlighted that Italy recognizes the principle of freedom of religion as well as confessional pluralism; that free exercise of worship is an essential aspect of freedom of religion, and it is applicable equally to all people and to all religious denominations regardless of whether an agreement has been concluded with the State; and that the opening of places of worship is under the protection of article 19 of the Constitution and cannot be conditioned by the conclusion of a previous agreement.

61. Mongolia reported that the Law on the Relationships Between the State and the Monastery (1993) guarantees citizens' right to freedom of conscience and religion, stipulating that the relationship between the State and the religious institutions shall be regulated by law; that the State Great Khural (parliament) shall determine the State policy on religion and the monastery; and that the President of Mongolia shall regulate the relationship between the State, the monastery and religion in compliance with the requirements of national unity and security.

62. In Oman, the Basic Statutes of the Sultanate of Oman promulgated by royal decree No. 101/96 ensure equality and non-discrimination between people on the basis of religion. Chapter three, on public rights and duties (arts. 15–40), contains provisions relating to the principle of equality; rights in criminal trials; the inviolability of residence; the freedom to

practise religious rites; protection of the person and the property of foreigners; preservation of national unity; and respect for public order and public morals.

63. Turkey reported that a number of religious ceremonies had been organized in monasteries, churches, mosques and synagogues, particularly following significant restoration projects. Law No. 4928 (2003) on public works was amended to extend the freedoms of individuals with different faiths and beliefs regarding their places of worship so that they may undertake construction, maintenance and repair of sanctuaries. This provision was also inserted in municipality law No. 5393 (2102) allowing municipalities to undertake construction, maintenance and restoration of sanctuaries, as well as health, educational and cultural facilities and buildings. In 2016, it is reported that 355 churches, 24 chapels, 40 synagogues and 419 places of worship benefited from this legislation.

64. The statutory decree (2011) relating to the Law on Foundations (No. 5737) (2008) provided for the return of confiscated properties to community foundations established by members of different faith groups. Accordingly, in Turkey, 333 properties were returned and compensation for 21 properties was paid.

65. Qatar reported that the Doha International Center for Interfaith Dialogue invites clergy and church officials based in Doha to advise the Center on how to improve the flows of communication between Qatari and non-Qatari residents. The Center also regularly holds workshops, giving platforms to non-Qatari residents to express their concerns regarding their well-being. Local media are invited to write about these concerns, and the Government is informed of serious issues of concern to expatriates in Qatar.

66. The State of Palestine reported on the existence of several societies, associations and charities based on religion and faith. Its laws guarantee the establishment and maintenance of further societies. For example, article 2 of law No. 1 of 2000 on the formation of associations provides that Palestinians have the right to practise social, cultural, professional and scientific activities freely, which includes the establishment of societies and local associations in accordance with the law.

67. The Law on Religious Liberty (Act 16/2001) in Portugal introduced the legal framework for religions or religious communities established in the country for at least 30 years and/or internationally recognized for at least 60 years. It covers religious participation, education, employment, goods and services, marriage and religious television and radio broadcasting times.

68. In the United States, the Equal Employment Opportunity Commission through its 53 field offices nationwide engages in outreach to provide information about employment discrimination, including discrimination based on religious beliefs and practices. To combat backlash against workers based on religion and national origin in the wake of terrorist attacks, the Commission has proactively reminded employers and employees to be mindful of incidents of harassment, intimidation or discrimination in the workplace. This proactive approach includes the agency's release of resource materials in a question-and-answer format explaining employers' and employees' rights and responsibilities under the federal laws prohibiting employment discrimination based on religion.[19]

69. Ukraine reported that in June 2017 a meeting between the Prime Minister and the All-Ukrainian Council of Churches and Religious Organizations was held. It was stressed that the Council would continue contributing to the strengthening of Ukraine as an integral democratic State based on social justice and law.

70. The Bolivarian Republic of Venezuela reported that the Ministry of the Interior, Justice and Peace is developing coexistence, awareness-raising and tolerance initiatives to prevent stigmatization and negative stereotyping in the country. These measures strengthen peace and multicultural coexistence, manifest in the good relationship between the four religions (Catholic, Evangelical, Islam and Judaism) as well as all the Venezuelan religions of African origin, reaffirming guarantees of inclusiveness and freedom of worship wherein

[19] See www.eeoc.gov/eeoc/publications/muslim_middle_eastern_employers.cfm

each citizen has rights and guarantees to freely manifest his or her faith without any discrimination.

71. Some of the responding States reported that they are reviewing and amending laws to ensure greater equality between religious groups and communities in their societies. Others reported that they are addressing the ability of minorities, including religious minorities and adherents of Afrodescendent religions and beliefs, to manifest their religion and contribute openly and on an equal footing to society, in a variety of ways relevant to their domestic context.

72. Australia and the United States also reported on an inquiry and a special legislative hearing, respectively, being conducted with a view to fostering religious freedom and pluralism.

73. In Australia, the Human Rights Subcommittee of the Parliamentary Joint Standing Committee on Foreign Affairs, Defence and Trade has commenced an inquiry to examine the status of the fundamental human right to freedom of religion or belief in Australia, other nations of the region and across the globe.

74. The United States Senate Judiciary Committee held a hearing on 2 May 2017, entitled "Responses to the increase in religious hate crimes". At the hearing, the Special Counsel for Religious Discrimination testified before the Department of Justice Civil Rights Division, emphasizing that combating religion-based hate crime is an enforcement priority.

M. Encouraging the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society[26]

75. In Australia, the Volunteer Grants Programme, through small grant funding, encourages meaningful participation of individuals, irrespective of their cultural, linguistic or religious background. Community consultations are regularly conducted on the Government's annual migration and humanitarian intake.

76. Croatia reported cases of discrimination against individuals and religious groups. The reported cases concern different treatment of smaller religious communities with regard to taxation of immovable property transfer, different legal status and corresponding rights of religious communities and religious associations, religious practice in schools, baptism certificate requirements by employers and the competence to provide religious teaching (catechism) in public kindergartens and schools. Reported cases of religious discrimination indicate a need to make greater efforts towards finding a balance between exercising religious practice in public and respecting the rights of members of different religions, as well as raising the level of understanding of the customs and special requirements of members of religious communities that do not have a long tradition in Croatia.

III. Activities undertaken by the Office of the High Commissioner for Human Rights in support of implementation of the action plan

77. In addition to the actions reflected above, OHCHR works on the various dimensions related to religious intolerance, including multiple discrimination, xenophobia, migration, freedom of religion or belief, religious profiling and incitement to racial, national or religious hatred.

78. The High Commissioner has spoken out in various public forums, including the Human Rights Council, and OHCHR has engaged in related issues with different stakeholders, including from the private sector. Upon request, the Office reviews draft anti-

[26] Paragraph 8 (e) of resolution 34/32.

discrimination laws and constitutional amendments, and it has supported several countries and specialized bodies in developing national action plans against racism.

79. It also manages a database[21] which includes information on these issues, and it develops guidelines and training manuals for judges and conducts trainings related to the points in the action plan. With its various field presences, a number of related activities have taken place, including in Lebanon, Morocco, Oman, Senegal and Tunisia and with journalists from the Russian Federation, Ukraine and West Africa, to counter xenophobia and hate speech.

80. On 6 and 7 December 2017, the Rabat+5 symposium offered an opportunity for various stakeholders to engage with experts who had contributed to the elaboration of the Rabat Plan of Action and the 18 commitments on "Faith for Rights" and to exchange experiences in the area of combating violence in the name of religion. The broad and diverse participation in the symposium reflected an interest in guidance and the relevance of the emerging standards in the context of faith and human rights. As human rights are by definition a multi-stakeholder exercise, the "Faith for Rights" framework is a good example of States, State religious authorities, faith-based and civil society organizations, national human rights institutions and individuals working together in the collaborative networks called for by the action plan.

IV. Observations and views on potential follow-up measures for further improvement of the implementation of the action plan

81. Following on from Human Rights resolution 16/18, the action plan adopted by the Council in its resolution 34/32 and related General Assembly resolutions provide a tool for guiding collective action to counter religious discrimination and intolerance. Greater efforts are required to foster the practical implementation of the action plan. In the light of resolution 34/32, in which the Council asked for views on potential follow-up measures for further implementation of the action plan, the High Commissioner provides the following suggestions.

82. The submissions received from States continue to reflect that government actions to combat intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion and belief are still largely constitutional and legislative in focus and nature. It is timely to stress the need for improved implementation of the extensive legislative frameworks to counter discrimination, intolerance and violence on the basis of religion or belief which are already available in many countries. As stated in the preamble to resolution 34/32, it should be recognized that working together to enhance the implementation of existing legal regimes that protect individuals against discrimination and hate crimes, increase interfaith and intercultural efforts and expand human rights education is an important first step in combating incidents of intolerance, discrimination and violence against individuals on the basis of religion or belief. In line with the spirit and focus of the resolution and the specifics of the action plan, greater emphasis should also be placed on the numerous practical actions which need to be taken by Governments and other stakeholders.

83. As stated in paragraph 12 of resolution 34/32, there is an urgent need to implement all parts of the action plan outlined in paragraphs 7 and 8 with equal focus and attention in order to address the complex issues of religious intolerance. For instance, no information was received in relation to paragraph 8 (d) of the resolution, in which the Council called upon States to make a strong effort to counter religious profiling, which was understood to be the invidious use of religion as a criterion in conducting questionings, searches and other law enforcement investigative procedures. In addition, the submissions of some States reflect an emphasis on certain paragraphs or elements of the action plan, but little or none on the others.

[21] See https://adsdatabase.ohchr.org.

84. There is also a need to disseminate widely the practical elements of, as well as relevant actions taken by, Member States to implement, the action plan with a view to raising awareness about the issues at stake. Awareness-raising campaigns or communications initiatives would be welcome, particularly those aimed at simplifying the language of the action plan and issuing a concise, separate publication in all regions and in all United Nations languages, and at a later stage in other local languages. Member States could also consider holding general public briefings on the Istanbul Process for Combating Intolerance, Discrimination and Incitement to Hatred and/or Violence on the Basis of Religion of Belief. The Special Rapporteur on freedom of religion or belief recently noted that six conferences had been held in various countries since the adoption of resolution 16/18 (see A/72/365, paras. 55 and 79–81).

85. It will also be important to expand participation in the implementation of the action plan to include civil society and other stakeholders. States may wish to consider inviting other stakeholders to report on their implementation of the action plan. Similarly, multiple forms of discrimination may affect individuals and groups. Women may suffer from discrimination on the grounds of both gender and religion or belief, often because they are identifiable through manifestations of their faith, and they may bear the brunt of discrimination targeting their communities. It would also be important to consider more closely how women are affected by such issues as religious profiling, representation and pluralism. Are they participating in the dialogues, collaborative networks and initiatives which States report are taking place? It would be helpful if future submissions made reference to these issues of multiple discrimination and the gender dimensions of discrimination on the basis of religion or belief.

86. As stressed in the previous report of the High Commissioner (see A/HRC/34/35, para. 116) and the most recent report of the Secretary-General (see A/72/381, para. 101), there is also a need to improve the reporting profile, in terms of the overall number of contributions received from States and the regional geographic participation.[22]

87. Furthermore, as there are two separate annual reports on the same action plan, one to the Human Rights Council and one to the General Assembly, States could streamline these parallel reporting processes either in terms of content or focus, or by adjusting the reporting time frames to a biannual period in order to give a better picture of how the action plan is being implemented worldwide.

88. As specified in paragraph 9 of the resolution, States are encouraged to consider providing updates on efforts made in this regard as part of their ongoing reporting to OHCHR. Member States are also encouraged to utilize the universal periodic review to fully address freedom of religion or belief and related issues. The use of this mechanism, including through information from national human rights institutions and civil society organizations, has great potential to improve the implementation of the action plan and, during their recent reviews, some States have accepted specific recommendations to implement resolution 16/18 (see A/HRC/32/8, A/HRC/32/10 and A/HRC/32/15). Similarly, in recent resolutions the Human Rights Council has called for the effective implementation of resolution 16/18 and the Rabat Plan of Action, as well as increased efforts in a country-specific situation to promote tolerance and peaceful coexistence in all sectors of society, in accordance with resolution 16/18 and the Rabat Plan of Action.[23]

89. Finally, with a view to enhancing the gathering of consolidated information and furthering reporting, States may wish to revisit the proposal made at the Durban Review Conference, held in 2009, that an observatory be created to gather and organize information about discrimination, including on the basis of religion or belief. Trends and manifestations could be compiled and analysed as well as legislation, policies, programmes and institutions which address them. It can be used to develop technical cooperation programmes and to better assess the situation. The proposed mechanism could initially

[22] See also the report of the Special Rapporteur on freedom of religion or belief (A/72/365, paras. 63–65 and 80).

[23] See, for example, resolutions 34/8 and 34/22.

build on the existing OHCHR anti-racial discrimination database, developed in accordance with the Durban Programme of Action.

V. Conclusions

90. Incidents and attacks around the world that target people on account of their religious beliefs, including in their places of worship, and horrific acts of incitement to racial, national and religious hatred, evidence of racial or religious profiling as well as barriers to opportunities continue to be observed. Religious minorities are being targeted by laws and policies as well as by armed groups, and discrimination and violence on the basis of religion or belief are occurring in stable societies and in conflict situations. These manifestations are becoming increasingly present online. It is important to ensure that the relevant human rights norms and standards are implemented by all stakeholders.

91. Laws as a means to combat intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief are but one tool to address the complex and multifaceted nature of discrimination on the basis of religion or belief. It is more urgent than ever that all parts of the practical action plan be implemented by States and all stakeholders in order to aid in addressing issues concerning discrimination, intolerance and violence on the basis of religion or belief in every region.